

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD MEETING**

FINAL MINUTES

JUNE 11-12, 2019

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED
MSF = MOTION: MADE, SECOND: FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 9:30 A.M. TUESDAY JUNE 11, 2019 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET ROOM 172 BOISE, IDAHO 83706. MEMBERS BOB BAROWSKY (CHAIRMAN), GEORGE MCQUISTON, LOUISE STARK AND WAYNE HUNSUCKER WERE PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR LORI THOMASON, BOARD ATTORNEY ROGER HALES, OFFICE SUPERVISOR AMANDA HARPER, AND EDUCATION ENFORCEMENT CHIEF RANDY WADLEY. BOARD MEMBER TOM LONG WAS NOT PRESENT.

ALLOCATION – Staff member Susan Knapik informed the Board that allocation has officially been caught up. She also mentioned that Brad Compton with the Idaho Department of Fish and Game (IDFG) had sent an official notice informing her that the outfitter allocated controlled hunt tag numbers for deer in hunt areas 26 and 27 published in the 2019-2020 IDFG regulations were incorrect. Ms. Knapik said that the 430 controlled hunt outfitter certification forms had all been sent out and the outfitter list for controlled hunts had been updated. She asked the Board if allocation cost recovery fees are still to be billed. Board Attorney Roger Hales pointed out that allocation cost recovery fees are still in Rule, so the outfitters will still be charged the \$5.00 allocation cost recovery fee per tag.

NEW IOGLB DEMONSTRATION – Edgardo Castro with BES Technologies gave a presentation of the new IOGLB public facing website that will be going live July 1, 2019.

BRYANT DUNN APPLICATION – Bryant Dunn, Designated Agent for Sun Valley Outfitters LLC, appeared before the Board to discuss his application amending his license to add float boating on the Big Wood River. Ultimately, his application was denied based on Board IDAPA Rules 58 and 59. He is formally requesting that the IOGLB amend IDAPA Rule 59 and to add Big Wood River to the approved list of rivers for float boat guiding, and additionally approve the major amendment to add float boating on the Big Wood River to Sun Valley Outfitters LLC's license. Board member George McQuiston asked if this river section is floatable. Mr. Dunn said that there is an abundance of float boaters that enjoy that river section. Board member Louise Stark asked if there was in any negative feedback from the agencies that oversee this river section. Mr. Dunn said that there was no negative feedback, only excitement for a new opportunity for tourism. Chairman Barowsky asked if there was any negative feedback from the other four outfitters that are licensed on the Big Wood River. Mr. Dunn stated that he thought this amendment caught the other outfitters off-guard due to not having thought of offering these activities themselves. Chairman Barowsky said that his only concern is that there has not been an opportunity for public comment. He felt that the Board would be negligent in not giving the public an opportunity to comment. Director Thomason said that she had received a phone call from an outfitter licensed on the Big Wood River who is opposed to this amendment to add float boating due to user conflict. Board Attorney Roger Hales stated that as the Rule is written right now, it does not give the Board authority to amend float boating to Mr. Dunn's outfitter license. Mr. Hales said that Mr. Dunn's comment will be

added to the rulemaking comments, and that the Board should consider the language in IDAPA Rule 59 while going through the Rule making process that the Board is currently doing. **(MOTION: MCQUISTON; SECOND: FAILED) APPROVE THE MAJOR AMENDMENT FOR SUN VALLEY OUTFITTERS LLC TO ADD FLOAT BOATING ON THE BIG WOOD RIVER.**

(MOTION: HUSUCKER; SECOND: STARK; AYES – HUNSUCKER, STARK AND BAROWSKY; NAYES – MCQUISTON) DENY THE APPLICATION TO ADD FLOAT BOATING ON THE BIG WOOD RIVER TO SUN VALLEY OUTFITTERS LLC LICENSE.

(MOTION: STARK; SECOND: HUNSUCKER; AYES – MCQUISTON, STARK, HUNSUCKER AND BAROWSKY; NAYES – NONE) REVISIT IDAPA RULE 59 AS THE BOARD IS GOING THROUGH THE NEGOTIATED RULE MAKING PROCESS.

BOARD ATTORNEY UPDATES – Litigation – Board Attorney Roger Hales let the Board know that the Judge has not signed a decision in reference to the lawsuit with Allreds Adventures LLC. He reminded the Board that the last hearing that took place at the end of May was to dismiss the lawsuit due to the new law that is in place. He explained that the Judge typically has the remaining month plus the following month to render a decision. **Reauthorization of Rules** – Mr. Hales stated that the Legislature failed to reauthorize all state agencies rules, which means all state agencies rules expire June 30th. He stated he has spoken with the Idaho Outfitters and Guides Association (IOGA) about doing some amendments to the new legislation. He said that the Governor's office would like this Board to have staff put in a legislative idea to potentially amend the law that was changed in House Bill 192. Mr. Hales explained that due to time constraints on the agency, to take this on will be tight, so there needs to be talk if the IOGA or the Board will take this legislation on. **Rules** – Mr. Hales said that the Board currently has multiple Rule making dockets. He said that they are the temporary Rule for designation of allocated tags, the negotiated temporary Rule that will become a proposed Rule for designation of allocated tags, and the reauthorization of the Board's entire rules. He said the Division of Financial Management (DFM), that also oversees legislation and rulemaking, are using the opportunity while reauthorizing the State's entire rules to help eliminate rules that don't have a purpose, that are outdated and rules that are redundant. He pointed out that there is a philosophy by DFM, not to use the word "shall" any longer and replace it throughout all the Rules with another word, possibly using "must". He said that the rules will be reviewed as an omnibus, meaning reviewed all at once. Once the rules are published to the bulletin, they will be put on the IOGLB website for public view. **Red Tape Reduction Act** – Mr. Hales said that in conjunction with reauthorizing the entire State's Rules, Governor Little is using this opportunity to fast track changes as part of the Red Tape Reduction Act. The words that are deleted will be banked so they can be used as credit in the future if IOGLB needed to adopt a new rule under the policy of removing two rules for every rule proposed.

Meeting recessed for lunch at 12:00 p.m. Meeting reconvened at 1:30 p.m. with all listed above present.

TEMPORARY RULE DISCUSSION – Attorney Hales clarified any additional questions the Board had in reference to the temporary rule. **(MOTION: HUNSUCKER; SECOND: STARK; AYES – MCQUISTON, STARK, HUNSUCKER AND BAROWSKY; NAYES – NONE) DIRECT STAFF TO WORK WITH THE BOARD ATTORNEY AND IOGA TO SUBMIT A LEGISLATIVE IDEA TO THE GOVERNOR'S OFFICE.**

Temp rule cont. – A discussion took place and Board Attorney Hales answered any remaining questions the Board had in reference to the House Bill 192 and the temporary rule for the designation of allocated tags.

DIRECTOR'S REPORT – GIS MAPPING – Director Lori Thomason informed the Board that IDFG has hired an intern for the summer to help with GIS. IDFG has requested IOGLB pay \$4000 to help pay for a new GIS intern. She stated that the intern will help map operating areas that are not yet mapped which will include private land. **Budget** - Director Thomason explained that she will need to move \$50,800 from the personnel budget to the operating budget. She stated this is due to the high cost of litigation and the new database. **Fiscal Revenue Report** – Director Thomason informed the Board the office revenue report shows that revenue as of May 31st is up \$30,698 compared to 2018. **MOU** – Director Thomason said that the MOU between IDFG and IOGLB is currently being reviewed by IDFG Director Ed Schriever.

OFFICE SUPERVISOR'S REPORT – Office Supervisor Amanda Harper gave an update to outfitter license renewals. She explained that four outfitters have expressed they will not be renewing their outfitters license, one has stated they will renew by June 30th, and three other outfitters have been notified but have not made any contact with our office to let us know if they will be renewing or not. **IDFG Fisheries Meeting** – Ms. Harper let the Board know that she will be going to Dworshak Reservoir June 25th for the IDFG Regional Fisheries Meeting. She told the Board that IDFG invited her to come to the meeting and explain the process of the OG-25 comment form and the formalities of the office due to IDFG having a lot of new fisheries managers.

EDUCATION AND ENFORCEMENT CHIEF'S REPORT – Education and Enforcement Chief Randy Wadley reported the current number of complaints and case investigations so far this year. **Cases and Investigations** – 25 total investigations so far for 2019.

FINANCIAL REPORT – The Board reviewed the financial report for March and April 2019. **MSC (MOTION: STARK; SECOND: HUNSUCKER; AYES – MCQUISTON, STARK, HUNSUCKER AND BAROWSKY; NAYES – NONE) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED**

CONSENT AGENDA – The Board reviewed the Consent Agenda. **MSC (MOTION: MCQUISTON; SECOND: STARK; AYES – HUNSUCKER, MCQUISTON, STARK AND BAROWSKY; NAYES – NONE) TO ACCEPT THE CONSENT AGENDA AS PRESENTED**

Chairman Barowsky recessed the meeting at 4:20 p.m. until 8:15 a.m. June 12, 2019.

Meeting reconvened at 8:15 a.m. on June 12, 2019 at 1365 N Orchard St Suite 172 Boise, ID 83706. Present were Board Chairman Bob Barowsky, Board member Wayne Hunsucker, Board member Louise Stark, Board member George McQuiston, Board Attorney Roger Hales, Prosecuting Attorney Mike Kane, Executive Director Lori Thomason, Education and Enforcement Chief Randy Wadley and Office Supervisor Amanda Harper.

IDFG UPDATE – Brad Compton with the IDFG appeared before the Board to give relative IDFG updates. **House Bill 192 Implementation** – IDFG feels that the law pertaining to House Bill 192 is prescriptive enough that immediate rule making is not needed. The opportunity was used during the State-wide promulgation of rules process to make some adjustments in the existing rule to reflect House Bill 192 and changes to distribution. During this promulgation of rules, IDFG used the opportunity to cleanup and get rid of some redundancy, which reduced their rules by thirty pages. Mr. Compton said IDFG will need to do negotiated rule making to clarify the fee for outfitter big game tags to only apply to deer and elk. This fee increase will not take place until 2021, as stated in House Bill 192. **Petition to Carry Bear Spray** – A petition was received by various groups for hunters to carry bear spray in the greater Yellowstone area. The IDFG Commission denied the petition and will not be moving forward

with that requirement due to being overly burdensome, and progress can be made through education.

Legislative Proposals – Two legislative proposals are being considered 1) To have an upland game bird permit when hunting certain areas where stock birds are; and 2) Seeking authority for the Commission to make adjustments in nonresident tag license fees. **Salmon Season** – The Lower Salmon runs did not materialize, therefore that river stretch was closed for the Salmon season. The South Fork run has had a harvest share that continues to drop. There is a Commission conference call set up to discuss a potential season. **Updates on Mule Deer and White-Tailed Deer** – Public comment is being taken on the white-tailed and mule deer plans. Comment is due by June 21st. **Wolf Management Update** – Ever since the five-year wolf monitoring period ended, collaring efforts have been reduced. These efforts were reduced when the federal funding went away and there were no longer requirements to produce those kinds of efforts. IDFG started down a path to develop other monitoring efforts that didn't create absolute population estimates but would give IDFG a status of whether the population was increasing, decreasing, or stabilizing, and the distribution of the population. This effort is much more cost effective. The Department undertook an unprecedented effort to develop an estimate of wolves using cameras. During the month of June, IDFG will be deploying 800 cameras across the State. **Elections** – The Commission has elected Jerry Meyers from North Fork as the new Chairman, and Brad Corkill from Cataldo as the Vice Chairman. **Rules** - There are six negotiated rules being moved forward: 1) Youth, ages eight to nine be allowed to hunt turkeys. 2) WMA permits giving the Commission authority to designate where the new areas will be. 3) Importation of live deer and wild-origin elk. 4) Develop a rule that restricts hunters that have applied for controlled hunts from purchasing a capped zone tag in the first five days. 5) Develop a rule that allows the Commission to limit nonresident tags in general hunts. 6) Develop a rule to eliminate wolf trap restrictions on diverters. **License Contractor** – The license contractor JMT has agreed to end the contract between IDFG and them in 2020. IDFG is in the process of soliciting a new license vendor.

Michael John Ibershof – Guide License Hearing – A guide license hearing was conducted by the Board's prosecuting attorney Mike Kane. Michael Ibershof, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Ibershof's guide license application due to the Enforcement Division's review and scoring of Mr. Ibershof's criminal convictions disclosed on his application. Mr. Ibershof is seeking a guide license to work for Blaine County Recreation District. Mr. Ibershof testified, and certain exhibits were introduced into evidence. **MSC (MOTION: MCQUISTON, SECOND: HUNSUCKER; AYES – STARK, MCQUISTON, HUNSUCKER AND BAROWSKY; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. IBERSHOF WITH ONE YEAR GENERAL PROBATION.**

Francis Paul Casano – Guide License Hearing – A guide license hearing was conducted by the Board's prosecuting attorney Mike Kane. Francis Casano, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Casano's guide license application due to the Enforcement Division's review and scoring of Mr. Casano's criminal convictions disclosed on his application. Mr. Casano is seeking a guide license to work for Miles B W Hatter dba: Miles High Outfitters. Mr. Casano testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – MCQUISTON, STARK, HUNSUCKER AND BAROWSKY; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. CASANO WITH NO RESTRICTIONS.**

Christopher Elden Lawson – Disciplinary Hearing – A disciplinary hearing was conducted by the Board's prosecuting attorney Mike Kane. Christopher Lawson, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, has brought Mr. Lawson before the Board due to administrative complaints and Fish and Game criminal convictions disclosed to

the enforcement chief. Mr. Lawson testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND: HUNSUCKER; AYES – MCQUISTON, STARK, HUNSUCKER AND BAROWSKY; NAYES – NONE) TO BE FOUND IN VIOLATION OF THE RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD AS SET FORTH IN THE COMPLAINT.**

(MOTION: STARK, SECOND: HUNSUCKER; AYES – BAROWSKY, STARK, HUNSUCKER; NAYES – MCQUISTON) ASSESS A ONE YEAR RESTRICTED PROBATION AND A \$1000 FINE TO MR. LAWSON TO BE PAID WITHIN SIX MONTHS FROM THE DATE OF THE ORDER.

Patrick John McCabe – Guide License Hearing – A guide license hearing was conducted by the Board's prosecuting attorney Mike Kane. Patrick McCabe, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. McCabe's guide license application due to the Enforcement Division's review and scoring of Mr. McCabe's criminal convictions disclosed on his application. Mr. McCabe is seeking a guide license to work for The Trout Hunter. Mr. McCabe testified, and certain exhibits were introduced into evidence. **MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES – STARK, HUNSUCKER, MCQUISTON AND BAROWSKY; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. MCCABE WITH ONE YEAR GENERAL PROBATION.**

Phillip James Rosen – Guide License Hearing – A guide license hearing was conducted by the Board's prosecuting attorney Mike Kane. Phillip Rosen, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by Board policy, had deferred Mr. Rosen's guide license application due to the Enforcement Division's review and scoring of Mr. Rosen's criminal convictions disclosed on his application. Mr. Rosen is seeking a guide license to work for Deadline Outfitters. Mr. Rosen testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND: MCQUISTON; AYES – HUNSUCKER, STARK, MCQUISTON AND BAROWSKY; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. ROSEN WITH ONE YEAR GENERAL PROBATION.**

Prosecuting Attorney Mike Kane excused himself at 11:15 a.m. with the hearing being complete.

Meeting recessed for lunch at 11:20 p.m. Meeting reconvened at 1:00 p.m. with all listed above present except Board Attorney Joan Callahan replaced Roger Hales.

NEGOTIATED RULEMAKING HEARING – The Board held a negotiated rulemaking hearing regarding the designation of allocated deer and elk tags and the reauthorization of the Board's rules and implementing the Red Tape Reduction Act and Licensing Freedom Act. Ms. Callahan explained the rulemaking process and the Board's rulemaking docket. The Board took written comment and heard testimony from those in attendance. The list of commenters and written comments were placed in the rulemaking record.

The next Board Meeting date has been set for August 1 and 2, 2019.

With no further business to come before the Board, Board Chairman Bob Barowsky adjourned the meeting at 4:00 p.m., Wednesday, June 2, 2019.

Bob Barowsky

12-10-19

BOB BAROWSKY, BOARD CHAIRMAN

Date

ATTEST:



LORI THOMASON, EXECUTIVE DIRECTOR

12-10-19

Date